



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/162086

PRELIMINARY RECITALS

Pursuant to a petition filed November 20, 2014, under Wis. Stat. § 49.45(5)(a), to review a decision by Waukesha County Health and Human Services in regard to Medical Assistance, a hearing was held on December 09, 2014, at Waukesha, Wisconsin.

The issue for determination is whether Waukesha County Health and Human Services (the agency) correctly denied the Petitioner's application for BadgerCare+ benefits.

NOTE: The record was held open until December 16, 2014 to give the Petitioner an opportunity to submit paystubs for herself and her husband and to submit an extension from the IRS to file taxes. However, no documentation was received by the designated deadline.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
By: Kathleen Jones, Economic Support Specialist
Waukesha County Health and Human Services
514 Riverview Avenue
Waukesha, WI 53188

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Waukesha County.

2. On August 28, 2014, the Petitioner completed an ACCESS application for healthcare benefits for herself and for her husband and two children. (Exhibit 2)
3. On September 3, 2014, the agency sent the Petitioner a Notice of Proof Needed, requesting verification of employment / income from the Petitioner's job at a jewelry store and of self-employment income for Petitioner and her husband. The verification was due October 1, 2014. (Exhibit 3)
4. On October 2, 2014, the Petitioner provided paystubs from her job at the jewelry store, but did not provide verification of the self-employment income. (Exhibit 5)
5. On October 2, 2014, the agency sent the Petitioner a notice indicating that her application for benefits was denied because she did not provide the required proof. (Exhibit 4)
6. The Petitioner filed a request for fair hearing that was received by the Division of Hearings and appeals on November 20, 2014. (Exhibit 1)

DISCUSSION

“Verification means to establish the accuracy of verbal or written statements made by, or about a group's circumstances. Case files or case comments must include documentation for any information required to be verified to determine eligibility or benefit levels.” *BadgerCare+Handbook (BEH) §9.1* Proof of certain information is required to determine eligibility for BadgerCare+. *BEH §9.1* Items that must be verified are categorized as information that it is mandatory to verify and information that is questionable.

Items that it is mandatory to verify are:

1. Social Security Number
2. Citizenship and Identity
3. Immigrant Status
4. Pregnancy, if eligibility is based on the pregnancy, although as of January 1, 2014, it will no longer be necessary to verify pregnancy.
5. Medical Expenses (for deductibles only)
6. Documentation for Power of Attorney and Guardianship
7. Migrant worker's (eligibility in another state)
- 8. Income**
9. Health Insurance Access
10. Health Insurance Coverage
11. Family Re-unification plan for Child Welfare Parents
12. The placement status of a FFCY on his/her 18th birthday
13. Tribal membership or Native American Descent
14. Pre-tax Deductions
15. MAGI Tax Deductions

BEH §9.9; Emphasis added

“Except for verification of access to employer sponsored health insurance, the member has primary responsibility for providing verification and resolving questionable information...” *BEH §9.8* The member should be given at least 10 days to provide verification. *BEH §9.2 and 9.3*

BadgerCare+ benefits may be denied or reduced when all of the following are true:

1. The member has the power to produce the verification.
2. The time allowed to produce the verification has passed.
3. The member has been given adequate notice of the verification required.

4. The agency needs the requested verification to determine current eligibility.

BEH §9.11.4

In the case at hand, the record contains no documentation evidence showing why the Petitioner could not have provided some sort of verification of the self-employment income such as an accounting ledger, a profit/loss statement or a previously filed tax return. The Petitioner was given adequate notice of the verification required (27 days) and the time for providing the verification lapsed. The requested income verification was an item that needed to be verified in order to determine whether the Petitioner and her family were eligible for BadgerCare+ benefits, and if so, at what level. Accordingly, it is found that the agency correctly denied the Petitioner's application for benefits.

CONCLUSIONS OF LAW

The agency correctly denied the Petitioner's application for healthcare benefits.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

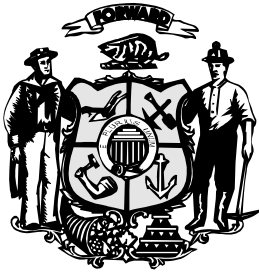
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 23rd day of January, 2015.

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on January 23, 2015.

Waukesha County Health and Human Services
Division of Health Care Access and Accountability